

1 **SEC. 2. County treasurer to collect.** That all taxes not exceeding
 2 three (3) mills upon the taxable value as now spread upon the tax
 3 books in the office of the county treasurer of each of said counties,
 4 which taxes were levied under the provisions of said chapter forty-
 5 eight (48) of the acts of the fortieth general assembly, be, and the
 6 same are hereby legalized, validated, confirmed and levied, and the
 7 county treasurer of each of said counties shall proceed, as provided
 8 by law, to collect the unpaid portion of said taxes and to distribute
 9 all taxes already collected or hereafter to be collected as provided by
 10 law, and all of the acts of said treasurer in connection with the col-
 11 lection of said taxes are hereby legalized, validated and confirmed.

1 **SEC. 3. Publication.** This act being deemed of immediate import-
 2 ance shall be in full force and effect from and after its publication in
 3 the Des Moines Capital and Des Moines Register, newspapers pub-
 4 lished at Des Moines, Iowa.

Approved April 19, A. D. 1924.

I hereby certify that the foregoing act was published in the Des Moines Register, April 23, 1924, and the Des Moines Capital, April 23, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 25

HIGHWAYS

S. F. 121

AN ACT to amend, revise, and codify chapters five (5) and eighteen (18) of title eleven (11) and section twenty-nine hundred fifty-nine (2959) of the compiled code of Iowa and of the supplement to said code, relating to the county road, bridge, and culvert system, and taxation therefor, and to toll bridges and ferries, and relating to the improvement of primary and county road systems and the issuance of bonds therefor, and anticipating primary road funds for primary road bonds, and county road funds for county road bonds, and relating to taxation for the payment of both kinds of said bonds and the interest thereon, and providing a method additional to that now provided by law for improvement and maintenance of primary and county roads; and to amend section twenty-nine hundred fourteen (2914) of the supplement to the compiled code of Iowa, relating to the improvement of primary roads.

Be it enacted by the General Assembly of the State of Iowa:

That chapters five (5) and eighteen (18) of title eleven (11) of the compiled code of Iowa and of the supplement to said code are amended, revised, and codified to read as follows:

1 **SECTION 1. Highway levies.** The board of supervisors shall, an-
 2 nually, at the September session of the board, levy the following taxes:
 3 1. A county road tax of not more than one mill on all of the taxable
 4 property in the county.
 5 One-half of the county road fund arising from the property within
 6 a municipality shall be paid over by the county treasurer to the
 7 treasurer of the municipality in the same manner as other municipal
 8 taxes and shall be expended only on the roads and streets within such
 9 municipality, which are continuations of such roads as are main

10 arteries of travel leading to such municipalities, by and under the
11 direction of the council or commission.

12 1-a1. A county road building tax of not less than one mill nor more
13 than two mills on all of the taxable property in the county.

14 The proceeds of such levies, except such amount thereof as is paid
15 to the municipalities, shall be kept as a county road fund and shall
16 be used, except as otherwise provided, solely for the purchase of road
17 tools, machinery and equipment for the drainage of roads, for filling
18 over culverts and bridge approaches, for the elimination of dangerous
19 railroad crossings in both county and township roads, and for work
20 on the county system.

21 2. A county drainage tax, if the board deems the same necessary,
22 of not to exceed one (1) mill on all property in the county except on
23 property within cities of the first class and special charter cities. The
24 proceeds of said levy shall be kept as a county drainage fund and
25 shall be used, first, for the drainage of highways and for paying
26 drainage assessments levied on account of benefits to roads of the
27 county road system, and, second, any balance shall be placed to the
28 credit of the county road fund.

29 3. A county bridge and culvert tax of not to exceed five (5) mills
30 on all the property of the county, except on property within cities
31 controlling their own bridge levy. In counties having a bonded in-
32 debtedness of ten thousand dollars (\$10,000.00), the board may levy
33 not to exceed seven (7) mills. Said bridge fund shall be used to pay
34 for all bridges and culverts constructed and maintained by the county
35 and for culvert material furnished to the township trustees by the
36 county.

1 SEC. 2. County road system. The county road system:

2 1. Shall not embrace any part of a primary road.

3 2. Shall not embrace any highway within cities and towns except
4 as herein provided.

5 3. May embrace highways which are located along the corporate
6 limits of cities and towns and which are partly within and partly
7 without such limits.

8 4. May embrace a street or highway which is within the limits
9 of a town when such highway is a direct continuation of the county
10 road system outside said town, provided the board of supervisors
11 and the council can agree in writing as to the manner in which said
12 street or highway is being improved, and provided such contract is
13 approved by the state highway commission.

14 Nothing in this paragraph shall take from such town the general
15 municipal control and police regulation which it now has over such
16 street or the right to further improve such street by paving the same.

17 Such writing shall contain a provision that the town shall use the
18 funds returned to them under paragraph one of section 1 hereof in
19 constructing and maintaining said county road.

20 5. Shall, subject to the foregoing, embrace the highways which
21 are now designated as county roads by the plans and records now on
22 file in the county auditor's office of each county and in the office of
23 the state highway commission and as the same may hereafter exist
24 by legal modifications or additions.

1 SEC. 3. Modifications of county system. The board of supervisors
2 may make application to the state highway commission for a change

3 or modification of the established county road system when such
4 change is for the purpose of eliminating dangerous crossings or
5 curves, or when such change would materially decrease the cost of
6 improving or maintaining the road, and in such case the commission
7 may authorize such change as may seem advisable.

1 **SEC. 4. Additions to county system.** Whenever all the roads in
2 the county road system have been improved according to the plans
3 herein provided, the board of supervisors may add such roads from
4 the township road system as have been improved by the township
5 in accordance with the general plans and specifications furnished by
6 the engineer and in accordance with the requirements of this chapter,
7 and if the township roads so improved be not sufficient to use all
8 county funds available for that purpose, the board of supervisors may
9 select such additional county roads, but no increase shall be made in
10 the mileage of the county road system until that system is completed,
11 except that the board of supervisors may at any time add such roads
12 from the township road system as will materially shorten the direct
13 lines of travel between market towns. In all cases of additions the
14 same proceedings shall be followed, in all regards, as provided for the
15 original selection and improvement of county roads.

1 **SEC. 5. Roads to state parks.** The board of supervisors may add
2 to the county road system from the township road system such roads
3 as will render more accessible any body of water which may be im-
4 proved, under state authority, as a public park.

1 **SEC. 6. Exclusive procedure.** The procedure herein provided for
2 the modification of, and additions to, the county road system, shall
3 exclude all other procedure, and the decision of the board of supervis-
4 ors and the state highway commission shall be final.

1 **SEC. 7. Engineer—term—compensation—duties.** The board of
2 supervisors may, at its discretion, employ one (1) or more county
3 engineers, and shall fix their term of employment, which shall not
4 exceed one (1) year, and their compensation, which shall be paid from
5 the county fund. Said engineers shall, in the performance of their
6 duties, work under the directions of said board and shall give bonds
7 for the faithful performance of their duties in a sum not less than one
8 thousand dollars (\$1,000.00) nor more than five thousand dollars
9 (\$5,000.00). The tenure of office of any engineer may be terminated
10 at any time by the board. Such tenure may be terminated by the
11 highway commission for incompetency.

1 **SEC. 8. Engineers—itemized account.** All county engineers and
2 their assistants shall, for all work done or expenses made, file an
3 itemized and verified account, before the board of supervisors, stating
4 the time actually employed each day, the place where such work was
5 done, the character of the work done, and also file with such account
6 vouchers for any expense.

1 **SEC. 9. Division of roads—survey.** The engineer shall, in writing,
2 divide all county roads into sections, designating each section by some
3 appropriate number, name, or letter and clearly designating the start-
4 ing point and terminus of each such section. Such designation shall
5 be recorded at length in a county road book. The board may cause

6 all sections to be fully surveyed and a report made thereon before
7 proceeding with the improvement contemplated herein, or, in order
8 to enable the board to proceed with the most necessary and urgent
9 work, said board may designate the order in which the different sec-
10 tions shall be surveyed and planned, and may order the engineer to
11 survey and report on certain named sections before completing the
12 survey and report on all sections.

1 **SEC. 10. Details of survey.** The engineer's survey and report shall
2 be on the basis of the permanent improvement of said roads, both
3 as to bridge, culvert, tile, and road work. Said survey and report shall
4 consist of an accurate plan and profile of said roads, showing cuts and
5 fills and outline of grades, with careful attention to surface, lateral, and
6 subdrainage, and shall show the location of all lines of tile and size
7 thereof and of all bridges and culverts, their length, height and width,
8 and foundation soundings, and an estimate of the watershed relating
9 to each bridge and culvert. Proper bench marks shall be established
10 on each permanent bridge and culvert which shall be recorded on both
11 profile and plan of road. The engineer shall designate on said plans
12 and profiles all existing permanent bridges, culverts and grades.

1 **SEC. 11. Surveys and reports.** The survey and report of each sec-
2 tion, as soon as completed and approved by the board of supervisors,
3 shall be submitted to the state highway commission, and the board of
4 supervisors may designate to the said commission what sections, in
5 their estimation, should be first passed upon by said state highway
6 commission. The said commission shall pass on such reports and
7 plans, and in so doing, shall take into consideration the thoroughness,
8 feasibility, and practicability of such plans, and may approve or
9 modify the same.

1 **SEC. 12. Return and record of plans.** After such survey and plan
2 for each section is passed upon by the state highway commission, they
3 shall be returned to the county auditor with full and explicit directions
4 as to modifications, if any. The auditor shall record the same at
5 length in a county road book, and the work shall be done in accordance
6 therewith.

1 **SEC. 13. Contracts exceeding one thousand dollars.** All culvert and
2 bridge construction, grading, drainage and repair work, or materials
3 therefor, of which the engineer's estimated cost shall exceed one
4 thousand dollars (\$1,000.00) shall be advertised and let at a public
5 letting. The board may reject all bids, in which event it may re-
6 advertise, or may let the work privately at a cost not exceeding the
7 lowest bid received, or build by day labor, subject to the approval of
8 the state highway commission.

1 **SEC. 14. Contracts not exceeding one thousand dollars.** All culverts
2 and bridge construction, tile and tiling, and repair work or materials
3 therefor, of which the engineer's estimated cost shall be one thousand
4 dollars (\$1,000.00) or less, may be advertised and let at a public
5 letting, or may be let privately at a cost not to exceed the engineer's
6 estimate, or may be built by day labor.

1 **SEC. 15. Record of bids.** All bids received shall be publicly opened,
2 at the time and place specified in the advertisement, and shall be re-

3 corded in detail, in a book kept for that purpose, by the county auditor;
4 said book shall at all times be open to the inspection of the public.

1 **SEC. 16. Repair work defined.** Repair work shall be known as
2 work not designated by the highway engineer, all road construction
3 work costing not in excess of sixty dollars (\$60.00) per mile, work
4 of a temporary character, or of immediate necessity, and work nec-
5 essary to maintain finished roads completed under this chapter.

1 **SEC. 17. Contractors' bonds—conditions.** The board of supervisors
2 shall require all contractors to give a bond for the faithful performance
3 of the contract, in a sum not less than seventy-five per cent (75%)
4 of the contract price. The surety on any bond given to guarantee the
5 faithful performance and execution of any work shall be deemed and
6 held, any contract to the contrary notwithstanding, to consent without
7 notice:

8 1. To any extension of time to the contractor in which to perform
9 the contract when each particular extension does not exceed sixty
10 (60) days.

11 2. To any change in the plans, specifications, or contract when such
12 change does not involve an increase of more than twenty per cent
13 (20%) of the total contract price. If a change involves an increase
14 in the total contract price in excess of twenty per cent (20%) the
15 surety shall be released only as to such excess.

1 **SEC. 18. Action on bond—limitation.** No provision in a contract
2 shall be valid which seeks to limit the time to less than five (5) years
3 in which an action may be brought upon the bond covering concrete
4 work nor to less than one (1) year upon the bond covering other work.

1 **SEC. 19. Itemized and certified bills.** All bills for road work, tile
2 and tiling, culvert, and bridge construction, or for repairs designated
3 by the engineer, shall be filed in itemized form and certified to by the
4 engineer before being allowed or warrants drawn therefor. Before
5 any claim shall be allowed by the board of supervisors on the county
6 road or bridge funds, in payment for any work or construction, except
7 for dragging, maintenance, or repairs not designated by the engineer,
8 it must secure on the bill the certificate of the engineer employed by
9 it, that such improvement has been made in accordance with the
10 plans and specifications as herein provided. If said engineer makes
11 said certificate when said work has not been done in accordance with
12 the plans and specifications, and said work be not promptly made
13 good without additional cost, the full cost of making said work good
14 may be recovered upon said engineer's bond. A violation of this
15 section by any member of the board shall render him liable on his
16 bond for the amount of said claim.

1 **SEC. 20. Partial payments.** Partial payments may be allowed by
2 the board on contract work on the basis of the engineer's certified
3 estimates and the percentages specified in the standard specifications
4 of the state highway commission.

1 **SEC. 21. Advance payment of pay rolls.** The board of supervisors
2 may authorize the county auditor to draw warrants for the amount
3 of pay rolls for labor furnished under the day labor system, when
4 said pay rolls are certified to by the engineer in charge of the work.

5 Said bills shall be passed on by the board at the first meeting following
6 said payment.

1 **SEC. 22. Witness corners.** Whenever it may become necessary in
2 grading the highways to make a cut which will disturb or destroy,
3 or a fill which will cover up, a government or other established corner,
4 it shall be the duty of the engineer to establish permanent witness
5 corners, and make a record of the same, which shall show the distance
6 and direction the witness corner is from the corner disturbed or cov-
7 ered up. When said construction work is completed the engineer shall
8 permanently reestablish said corner. A failure to perform said duties
9 shall subject the engineer to a fine of not less than ten dollars (\$10.00)
10 nor more than fifty dollars (\$50.00) to be collected on his bond.

1 **SEC. 23. Gravel beds.** The board of supervisors of any county may,
2 within the limits of such county and without the limits of any city
3 or town, purchase or condemn any lands for the purpose of obtaining
4 gravel or other suitable material with which to improve the highways
5 of such county, including a sufficient road way to such land by the
6 most reasonable route, and to pay for the same out of the primary
7 or county road funds, or the board may purchase such material out-
8 side the limits of their county.

1 **SEC. 23-a1. Procedure.** The procedure for the condemnation of
2 land in the establishment of highways shall be followed in the con-
3 demnation of land in order to obtain gravel beds and a road thereto.

1 **SEC. 24. Use of gravel beds.** The township trustees of any township
2 in the county, in order to improve their township roads, shall have the
3 right to take material from any lands so acquired by the board of
4 supervisors and the supervisors may permit private parties or mu-
5 nicipal corporations to take materials from such acquired lands in
6 order to improve any street or highway in the county, but it shall
7 be a misdemeanor for any person to use or for the board of super-
8 visors to dispose of any such material for any purpose other than for
9 the improvement of such streets or highways.

1 **SEC. 25. Repair and dragging of county road system.** The county
2 board of supervisors and the engineer are charged with the duty of
3 causing the county road system to be so repaired and dragged as to
4 keep same in proper condition, and shall adopt such methods as are
5 necessary to maintain continuously, in the best condition practicable,
6 the entire mileage of said system.

1 **SEC. 26. Intercounty highways.** Boards of supervisors of adjoining
2 counties in this state shall, subject to the approval of the state
3 highway commission:

4 1. Make proper connections between roads which cross county
5 lines and which afford continuous lines of travel.

6 2. Adopt plans and specifications for road, bridge, and culvert
7 construction, reconstruction, and repairs upon highways along and
8 across county boundary lines, and make an equitable division between
9 said counties of the cost and work attending the execution of such
10 plans and specifications.

1 **SEC. 27. Enforcement of duty.** In case such boards fail to perform
2 such duty, the state highway commission may, on its own motion, and

3 in case said boards are unable to agree and one (1) of said boards
4 appeals to said commission, said commission shall notify the auditors
5 of the interested counties that it will, on a day not less than ten (10)
6 days hence, at a named time and place within any of said counties,
7 hold a hearing to determine all matters relating to such duty. At
8 said hearing the commission shall fully investigate all questions per-
9 taining to said matters, and shall, as soon as practicable, certify its
10 decision to the different boards, which decision shall be final, and
11 said boards shall forthwith comply with said order in the same
12 manner as though such work was located wholly within the county.

1 **SEC. 28. Interstate highways.** The state highway commission and
2 the board of supervisors of any county bordering on a state line are
3 authorized jointly to confer and agree with the highway authorities
4 of such border state, on proper connections for interstate roads, and
5 on proper plans for the construction, improvement, maintenance, and
6 apportionment of work and cost of roads, bridges, and culverts on or
7 across the state line.

1 **SEC. 29. County bridge and culvert system.** The county bridge
2 and culvert system shall embrace all highways throughout the county,
3 except highways entirely within cities which control their own bridge
4 funds.

1 **SEC. 30. Duty to construct.** The county bridge and culvert system
2 shall be constructed and maintained as follows:

3 1. Culverts which are thirty-six (36) inches, or less, in diameter,
4 and located within a city or town, by the council thereof.

5 2. Temporary culverts thirty-six (36) inches, or less, in diameter,
6 located on the township road system, by the township, except that the
7 county shall furnish the material therefor, and deliver the same at
8 a railroad station to be designated by the supervisors.

9 3. All bridges and all other culverts within said system, by the
10 county.

1 **SEC. 31. Bridges and culverts on city boundary line.** Bridges and
2 culverts on highways, or on parts thereof, which are located along the
3 corporate limits of cities which control their own bridge funds and
4 which are partly within and partly without such limits and which
5 highways have been made a part of the county road system, shall be
6 constructed under plans and specifications, jointly agreed on by the
7 city council and board of supervisors, and approved by the highway
8 commission. The city and county shall share equally in the cost. All
9 matters in dispute between such city and county relative to such
10 bridges and culverts shall be referred to the highway commission and
11 its decision shall be final and binding on both the city and county.

1 **SEC. 32. Width of bridges and culverts.** All culverts shall have a
2 clear width of roadway of at least twenty (20) feet. Bridges shall
3 have a clear width of roadway of at least sixteen (16) feet.

1 **SEC. 33. Definitions.** The term "culvert" shall include all water-
2 way structures having a total clear span of twelve (12) feet or less,
3 except that such term shall not include tile crossing the road, or
4 intakes thereto, where such tile are a part of a tile line or system
5 designed to aid subsurface drainage.

6 The term "bridge" shall include all waterway structures having a
7 clear span in excess of twelve (12) feet.

1 **SEC. 34. Appropriation for intracounty bridge.** The board of super-
2 visors may, without authorization from the voters, appropriate, for
3 the substructure, superstructure, and approaches of any one (1)
4 bridge within the county, a sum not exceeding fifty thousand dollars
5 (\$50,000). The provision requiring authorization from the voters
6 shall not apply to bridges on the primary road system built entirely
7 out of the primary road fund where there are sufficient funds on hand
8 to complete the construction of said bridge and costing not to exceed
9 seventy thousand dollars (\$70,000.00).

1 **SEC. 35. Appropriation for intercounty and state bridge.** The board
2 of supervisors of any county may, without authorization from the
3 voters, appropriate, for the substructure, superstructure, and ap-
4 proaches of any one (1) bridge on a road between such county and
5 another county of this state or on a road between such county and
6 another state, a sum not exceeding twenty-five thousand dollars
7 (\$25,000). Provided, however, that when such road is a primary road
8 and such bridge is being constructed entirely with primary road funds
9 such appropriation from each county may be a sum not exceeding
10 thirty-five thousand dollars (\$35,000.00).

1 **SEC. 36. Bridge specifications.** Standard specifications for all
2 bridges and culverts, railroad overhead crossings or subways, shall be
3 furnished without cost to the counties and railroad companies by the
4 state highway commission, and work shall be done in accordance
5 therewith.

1 **SEC. 37. Approval of contract.** Any proposed contract which shall
2 exceed the sum of two thousand dollars (\$2,000.00) for any one (1)
3 bridge or culvert, or repairs thereon, shall be first approved by the
4 state highway commission before the same shall be effective as a
5 contract.

1 **SEC. 38. Record of plans.** Before beginning the construction of
2 any permanent bridge or culvert by day labor or by contract, the
3 plans, specifications, estimate of drainage area, estimates of cost,
4 and specific designation of the location of the bridge or culvert shall
5 be filed in the county auditor's office by the engineer.

1 **SEC. 39. Record of final cost.** On completion of any bridge or cul-
2 vert, a detailed statement of cost, and of any additions or alterations
3 to the plans shall be filed by the engineer and recorded by the auditor
4 in connection with the records of bids, all of which shall be retained
5 in the county auditor's office as permanent records, and when said
6 work is completed and approved, a duplicate statement of the costs
7 thereof shall be filed with the state highway commission by the county
8 auditor.

1 **SEC. 40. Trustees to fill and grade.** Upon the completion by the
2 board of supervisors of any bridge or culvert situated upon the town-
3 ship road system, it shall be the duty of the township trustees to
4 properly fill over all such culverts and uniformly grade the approaches
5 to all such bridges, and make payment therefor from the township
6 road fund. Should the trustees fail for a period of two (2) weeks

7 after notification to perform such work, the board of supervisors shall
8 proceed to perform the same and the engineer shall report the actual
9 cost of so doing and such amount, not exceeding one hundred fifty
10 dollars (\$150.00), for any such bridge or culvert, shall be certified
11 by the board of supervisors to the county treasurer who shall transfer
12 said amount to the county road fund from the first collection of road
13 funds belonging to said township. The township trustees shall, at
14 township expense, do all necessary filling of temporary culverts in-
15 stalled by them on the township road system.

1 **SEC. 41. Bridges over ditches.** Bridges erected over drainage
2 ditches shall when necessary be so constructed as to allow the super-
3 structure to be removed for cleaning said ditches with as little dam-
4 age to the removable and permanent parts of said bridge as possible.

1 **SEC. 42. Bridges on county line roads.** Bridges on county line
2 roads may, under joint agreement between the boards of the adjoin-
3 ing counties, be located, constructed, and maintained wholly within
4 one (1) county in order to secure a proper site or in order to avoid
5 unnecessary expense. The resulting work and expense shall be car-
6 ried on and shared in such proportion as said boards may determine.

1 **SEC. 43. Bridges over state boundary line streams.** Ten per cent
2 (10%) of the legal voters, as shown by the returns of the last general
3 election, of any county bordering upon a stream of water which forms
4 the boundary line of this state, may petition the board of supervisors
5 to submit to the voters the question whether such county shall be
6 authorized to construct and maintain a foot and wagon bridge extend-
7 ing from such county across such boundary line river. Said petition
8 shall state the amount to be expended for said purpose.

1 **SEC. 44. Submission of question.** The board shall submit such ques-
2 tion at the first general election occurring not less than sixty (60)
3 days after the filing of said petition.

1 **SEC. 45. Notice.** Notice of the submission of such question shall
2 be published for four (4) consecutive weeks in at least three (3)
3 newspapers published and of general circulation in the county, except
4 in counties having less than three newspapers, said notices shall be
5 published in all of the newspapers, the last of which publications shall
6 be at least three (3) days and not more than ten (10) days before
7 the holding of such election.

1 **SEC. 46. Construction and maintenance.** If a majority of the
2 voters vote in favor of such authorization, the board shall have author-
3 ity to construct and maintain said bridge, and may agree with the
4 adjoining state, or with any other municipal division thereof, as to
5 what part of said bridge said county will construct and maintain, or
6 as to what percentage of the cost of construction and maintenance
7 said county shall pay, and such county shall be under no greater lia-
8 bility than as evidenced by such agreement.

1 **SEC. 47. Levy—bond.** In order to build and maintain such bridge,
2 the board may, from year to year and on all the property in the
3 county, levy an annual tax of not to exceed one (1) mill. The board
4 may, in the manner provided for funding outstanding county indebted-
5 ness, issue the bonds of the county in the amount of the authorized

6 expenditure. The maturity of such bonds may be distributed through
7 a period of twenty (20) years. In case bonds are so issued, the board
8 shall maintain sufficient levies to meet the principal and interest as
9 in other cases of bonds issued for outstanding county indebtedness.

1 **SEC. 48. Use by public utilities.** Street and interurban railways,
2 telephone, telegraph, and electric transmission lines, may be permitted
3 to use such bridge on such terms and conditions as the governing
4 bodies jointly erecting and maintaining such bridge may jointly deter-
5 mine. No discrimination shall be made in the use of said bridge as
6 between such railways, or between other utilities, provided that any
7 such railway desiring to use existing tracks thereon shall have the
8 right to do so and shall bear its reasonable share of the cost of the
9 construction and maintenance of such tracks. Joint use of tele-
10 phone, telegraph, and electric transmission lines may not be re-
11 quired. No grant to any public utility to use such bridge shall in
12 any way interfere with the use thereof by the public.

1 **SEC. 49. Negligence.** Where there is a contract for joint main-
2 tenance of the entire structure, the county's liability for such main-
3 tenance shall only extend to that part or portion which is within the
4 boundary line of this state.

1 **SEC. 50. Interest in contracts.** No member of the highway com-
2 mission, their deputies, or assistants, or any other person in the
3 employ of the commission, no county supervisor, township trustee,
4 county engineer, road superintendent, or any person in their employ
5 or one holding an appointment under them, shall be, directly or in-
6 directly, interested in any contract for the construction or building
7 of any bridge or bridges, culvert or culverts, or any improvement of
8 any road or part thereof.

1 **SEC. 50-a1. Authorization cancelled.** Any authorization, voted by
2 the electors, and not acted upon by the letting of contracts for hard
3 surfacing within four years after said authorization, or if contracts
4 have been let thereunder and four years have elapsed since the letting
5 of the last contract, may be cancelled in the following manner:

6 A proposition for such cancellation must be submitted by the board
7 of supervisors upon petition of ten (10) per cent of the voters as
8 provided upon the submission of the original proposition for authoriza-
9 tion, and all the proceedings as to notice and holding such election
10 shall be the same as upon such original submission so far as prac-
11 ticable.

That section twenty-nine hundred fifty-nine (2959) of the compiled code is amended, revised and codified to read as follows:

1 **SEC. 50-a2. Payment for county road improvements.** The total
2 cost of improving a county road in said secondary system within said
3 district, by oiling, graveling or other suitable surfacing, shall be
4 apportioned and paid in the proportion of seventy-five per cent from
5 the county road cash fund and twenty-five per cent from assessments
6 on benefited lands, or may, by agreement between the board of super-
7 visors and all of the trustees of the township in which the road is
8 located when the petition requests such method of payment, be paid
9 as provided in the next succeeding section.

1 **SEC. 50-a3. Payment for township secondary roads—maintenance.**

2 The total cost of so improving a township road within said district
3 shall be apportioned and paid in the proportion of twenty-five per cent
4 from the county road cash fund, fifty per cent from the township road
5 funds of the township or townships embracing said township road
6 (according to their relative mileage) and twenty-five per cent from
7 the special assessments on benefited lands.

8 A county road, after it is so improved, shall be maintained by the
9 board of supervisors from the county road cash fund. A township
10 road, after it is so improved, shall be maintained by the township
11 trustees from township funds, unless the improvement is of so sub-
12 stantial and permanent a nature, as that the board of supervisors
13 shall by resolution add such road to the county road system, to be
14 maintained as such.

1 **SEC. 51. Procedure in counties over seventy thousand population.**

2 In addition to other methods provided by law for the improvement
3 of roads, any county having a population of more than seventy thou-
4 sand (70,000) may issue bonds for the purpose of raising funds to
5 pay the cost of draining, grading, bridging, paving and/or graveling,
6 and completing the construction of the primary and county roads and
7 may levy taxes for the payment of such portions of said bonds and
8 the interest thereon as are not paid by the primary road fund or the
9 county road, drainage and bridge and culvert funds, when authorized
10 by a vote of the people, by proceeding as hereinafter provided.

1 **SEC. 52. Supervisors propose program.**

2 The board of supervisors
3 may by resolution or upon petition of at least ten per cent of the legal
4 voters, resident of the county, as shown by the poll books of the last
5 preceding election, shall propose a program of highway improvement,
6 specifying the portions of primary and/or county roads proposed to
7 be improved, the general nature of the improvements, the time within
8 which it is proposed to complete said improvements, and the estimated
9 cost of each of the roads included in said program.

1 **SEC. 53. Approval by highway commission.**

2 The proposed program
3 of improvement on primary roads shall be subject to the same ap-
4 proval by the highway commission as is required in other improve-
5 ments on the primary roads.

1 **SEC. 55. Hearing.**

2 The board of supervisors shall fix a time for
3 hearing upon said proposed program of improvement and the county
4 auditor shall cause to be published in two newspapers of general cir-
5 culation in the county once each week for two (2) weeks, a notice
6 of such hearing and a description of the roads proposed to be improved,
7 the general nature of the proposed improvements, and an estimate
8 of the cost of each road proposed to be improved. At such hearing
9 any citizen may appear and object and be heard. After the hearing
10 the board may dismiss the proceedings or shall adopt a program for
road improvements substantially as proposed.

1 **SEC. 56. Election.**

2 The board may, or upon petition of a number
3 of qualified electors of the county equal to ten per cent (10%) of the
4 total number of votes cast for governor in said county at the last
5 preceding general election, must submit a program to the voters of
the county at a general election or at a special election called for that

6 purpose, the questions of issuing bonds from year to year to be desig-
7 nated as primary road bonds or county road bonds, as the case may
8 be, and of raising funds with which to pay said bonds and the interest
9 thereon as the same may become due.

1 SEC. 57. Form of ballot. The form of the ballot shall be substan-
2 tially as follows:

3 "1. Shall the board of supervisors be authorized to issue from
4 year to year, serial bonds to be known as primary road bonds, in the
5 aggregate amount not exceeding.....dollars, to provide
6 funds in the following amounts and for the following purposes:

7 (a).....dollars (\$.....) for draining, grading,
8 bridging, hard surfacing and completing the construction of primary
9 roads described as follows: (Here set forth the location of the pri-
10 mary roads to be graded, drained, bridged, and hard surfaced, the
11 length and estimated cost of each portion thereof.)

12 (b).....dollars (\$.....) for draining, grading,
13 bridging and completing construction without surfacing primary roads
14 described as follows: (Here set forth the location of the primary
15 roads to be drained, graded and construction work completed without
16 surfacing, the length and estimated cost of each portion thereof.)

17 (c).....dollars (\$.....) for surfacing with
18 gravel primary roads described as follows: (Here set forth the loca-
19 tion of the primary roads to be surfaced with gravel, and the length
20 and estimated cost of each portion thereof.)

21 2. And shall the county's allotment of the primary road fund,
22 except such portion as is required for the maintenance of the primary
23 road system, miscellaneous expenditures, and the payment of out-
24 standing indebtedness (if any) against the primary road fund, be
25 appropriated and used for the payment of said primary road bonds
26 and interest thereon.

27 3. Shall the board of supervisors be authorized to issue from year
28 to year, serial bonds to be known as county road bonds, in the aggre-
29 gate amount not exceeding.....dollars, to provide funds
30 for the following purposes:

31 (a).....dollars (\$.....) for draining, grading,
32 bridging, and completing construction without surfacing, the county
33 roads described as follows: (Here set forth the location of the county
34 roads to be drained, graded and construction completed without sur-
35 facing the length and estimated cost of each portion thereof.)

36 (b).....dollars (\$.....) for surfacing with
37 gravel county roads described as follows: (Here set forth the loca-
38 tion of the county roads to be surfaced with gravel, the length and
39 estimated cost of each portion thereof.)

40 4. And shall all the county road, drainage, and bridge funds com-
41 ing into the county treasury from taxes and all other sources, except
42 such as are required for the maintenance of such roads, the construc-
43 tion of bridges and miscellaneous expenditures, be appropriated and
44 used for the payment of said county road bonds and interest thereon.

45 5. And shall the board of supervisors of the county be authorized
46 to levy and collect taxes on all the taxable property of the county from
47 year to year, in amounts sufficient to pay any part of the principal and
48 the interest on said bonds of both classes, as the same mature, which
49 funds so appropriated are insufficient to pay.

50 YES NO

1 SEC. 58. **How submitted.** The propositions for the improvement
2 of primary roads and of county roads may be submitted by the board
3 as a single proposition or separately.

1 SEC. 59. **Maturity of bonds.** All bonds issued hereunder for grad-
2 ing, draining, bridging, or paving, shall mature in not more than fif-
3 teen years from date of issue. All bonds issued hereunder for gravel-
4 ing shall mature in not more than seven years from date of issue.
5 Each bond shall show on its face the date of its maturity and shall
6 be payable on said date. The interest rate shall not exceed five per
7 cent (5%) per annum payable semi-annually. No bond shall be sold
8 for less than par plus accrued interest.

1 SEC. 60. **Funds set aside.** If at said election, the said proposition
2 as to primary roads or as to the primary and county roads carries,
3 the state highway commission shall on or before September first each
4 year during the life of said primary road bonds, set aside from said
5 county's allotment of the primary road fund:

6 1. A sufficient amount to maintain the primary road system of
7 said county during the ensuing year.

8 2. A sufficient amount to pay the maturing principal and interest
9 of primary road bonds and/or certificates (if any) heretofore issued
10 under other provisions of law.

11 3. A sufficient amount to meet any unavoidable miscellaneous nec-
12 essary expenditures on the primary road system not properly charge-
13 able to maintenance.

14 The amount remaining in said county's allotment of the primary
15 road fund after said funds have been set aside for each year during
16 the life of said bonds, is, insofar as necessary, hereby appropriated,
17 dedicated, and pledged to the payment of the principal and interest
18 of primary road bonds issued hereunder, and shall be used for no
19 other purpose.

1 SEC. 60-a1. **Amount of issue.** The maximum aggregate amount of
2 bonds to be issued serially which any county shall be authorized to
3 issue for improving the roads in the county road system shall not be,
4 including interest, more than one-half of the sum which might be
5 realized by the levies allowed by law in that county for the county
6 road, county road building, county drainage, county bridge and cul-
7 vert funds during the period of years over which said bonds extend.
8 Such maximum amount shall be determined from the millage allowed
9 by law computed upon the assessed valuation of the real and personal
10 property (exclusive of moneys and credits) in the county for the year
11 last preceding the issuance of such bonds. The total sum of bonds
12 issued for the purpose of improving primary roads by grading, drain-
13 ing, completing construction and graveling, shall not exceed sixty-
14 five per cent of the estimated receipts from the primary road fund
15 for the period for which such bonds are issued. Such estimate shall
16 be based upon the receipts in such fund in the county for the year
17 last preceding the issuance of such bonds.

1 SEC. 60-a2. **Refunding bonds.** If the funds so set apart for the
2 payment of said bonds and interest are at the time of the maturity
3 thereof insufficient to pay the same, refunding bonds may be issued
4 for the payment of such deficiency. Such refunding bonds shall be

5 issued on the same terms and conditions and be payable in the same
6 manner as the original bonds.

1 **SEC. 61. Funds budgeted.** If at said election the said proposition
2 as to county roads or as to both county and primary roads, carries,
3 the board of supervisors shall make a budget of the county road, the
4 county road drainage and the county bridge and culvert funds sep-
5 arately and shall set aside funds for each of said purposes sufficient
6 for the maintenance and drainage of the county roads and the building
7 of necessary county bridges and culverts.

1 **SEC. 62. Must make levy.** The board of supervisors shall levy and
2 collect from year to year a sufficient amount of taxes which, together
3 with said appropriated funds, shall be sufficient to pay the bonds
4 herein authorized to be issued, and the interest thereon as the same
5 mature, for primary or county roads or both, as the case may be,
6 and none of said funds so to be appropriated or taxes to be levied
7 and collected shall be used for any other purpose than the payment
8 of said bonds and interest until the same are fully paid.

1 **SEC. 63. Limitation.** No amount of additional taxes herein author-
2 ized for the payment of primary or county road bonds and/or interest
3 thereon, shall be levied unless and until all the funds and maximum
4 tax levies herein pledged respectively for such purposes have been
5 exhausted.

1 **SEC. 64. Aggregate cost.** The aggregate cost of improving each
2 kind of road described in the questions submitted, shall not be more
3 than ten per cent (10%) in excess of the estimated cost thereof.

1 **SEC. 65. Provisions which apply.** All the provisions of law with
2 reference to voting primary road bonds and the issuance and sale
3 thereof shall apply to bonds issued hereunder, and all provisions of the
4 primary and county road laws, respectively, shall apply to highway
5 improvements made hereunder, all except as herein otherwise provided.

1 **SEC. 66. Maintenance.** The funds herein authorized to be set aside
2 for maintaining the primary and county roads, respectively, shall be
3 sufficient, insofar as existing sources of revenue will permit, to main-
4 tain said roads continuously in a good state of repair. Consideration
5 shall be given to the maintenance of completed roads, to the end that
6 investment therein shall be protected and preserved. The funds so
7 set aside for maintenance shall be used only for such purpose, and
8 any taxpayer of the county may enforce the provisions of this section
9 by appropriate action at law or in equity in any court of competent
10 jurisdiction.

1 **SEC. 66-a1. In counties of seventy thousand or less.** Any county
2 having a population of seventy thousand (70,000) or less may adopt
3 the additional method herein provided for the improvement of the
4 roads of such county, but in any such county separate ballot boxes
5 must be provided for the voters residing in cities and towns, and for
6 the voters residing outside of cities and towns. The proposition sub-
7 mitted shall not be deemed to be carried in any such county unless
8 a majority vote cast is in favor thereof both in the incorporated and
9 unincorporated territory.

1 **SEC. 67. Publication.** This act being deemed of immediate impor-
 2 tance, shall be in full force and effect after its publication in the Des
 3 Moines News and the Cedar Rapids Republican, newspapers published
 4 in the cities of Des Moines, Iowa and Cedar Rapids, Iowa respectively.

Approved April 29, A. D. 1924.

I hereby certify that the foregoing act was published in the Cedar Rapids Republican, May 5, 1924, and the Des Moines Daily News, May 5, 1924.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 26

COMPENSATION MEMBERS GENERAL ASSEMBLY

S. F. 285

AN ACT to amend the law as it appears in section nineteen (19) of the compiled code relating to the payment of compensation and mileage of members of the general assembly.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Paid semi-monthly.** That the law as it appears in sec-
 2 tion nineteen (19) of the compiled code be and the same is hereby
 3 amended by striking all of said section after the period following the
 4 word "session" in the ninth line of said section and substituting in
 5 lieu thereof the following:

6 "At any extra or adjourned session, the compensation of the mem-
 7 bers shall be paid semi-monthly during such session upon certificate
 8 of the presiding officer of each house showing the number of days
 9 of allowance and compensation as provided by law".

1 **SEC. 2. Publication.** This act being deemed of immediate import-
 2 ance, shall take effect from and after its publication in the Des Moines
 3 Register, a newspaper published in Des Moines, Iowa, and the Ottumwa
 4 Daily Courier, a newspaper published in Ottumwa, Iowa.

Approved December 14, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register, December 17, 1923, and the Ottumwa Courier, December 17, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 27

SCHOOL FOR DEAF

H. F. 322

AN ACT to make emergency appropriations for the Iowa school for the deaf.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Available May 1, 1924.** There is hereby appropriated,
 2 out of any money in the state treasury not otherwise appropriated,
 3 to the Iowa school for the deaf, the sum of ten thousand dollars